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OFFICE OF PETITIONS

In re Application of Gelder :
Application No. 10/695,112 : Decision on Petition
Filing Date: October 28, 2003 :
Attorney Docket No. VIR-021011CO01 :

This is a decision on the petition under 37 CFR 1.137(b), filed July 14, 2008, to revive the above-identified application.

The petition is **granted**.

On April 17, 2007, the Office mailed petitioner a notice giving petitioner an extendable one-month period of time to comply with the sequence rules, 37 CFR 1.821-1.825. On May 21, 2007, petitioner filed a reply to the April 17, 2007. On December 31, 2007, the Office mailed a Notice of Abandonment stating the May 21, 2007, was not fully responsive to the April 17, 2007 Notice. The Notice informed petitioner the Compact Disc filed May 21, 2007, was not in ASCII text format.

A prior petition under 37 CFR 1.181 was filed January 10, 2008. A decision on the petition was mailed May 27, 2008.

The instant petition under 37 CFR 1.137(b) requests revival of the application.

A grantable petition under 37 CFR 1.137(b) must be accompanied by:

- (1) the reply required to the outstanding Office action or notice, unless previously filed,
- (2) the petition fee,
- (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, and
- (4) a terminal disclaimer and fee if the application was filed on or before June 8, 1995 or if the application is a design application.

On January 10, 2008, petitioner submitted a proper Compact Disc in response to the April 17, 2007 Notice. Petitioner has submitted the required petition fee of \$770. Petitioner has stated the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional.

Petitioner has met the requirements to revive the above-identified application pursuant to 37 CFR 1.137(b). Therefore, the petition is granted and the application is revived.

Technology Center Art Unit 1648 will be informed of the instant decision and the application will be further examined in due course.

Telephone inquiries regarding this communication should be directed to Petitions Attorney Steven Brantley at (571) 272-3203.



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Office of Petitions